UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1991/SR.10
4 December 1991

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 29 November 1991, at 3 p.m.

Chairman: Mr. ALSTON

CONTENTS

Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Democratic People's Republic of Korea (continued)

Organization of work (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-18728/3995B

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS (agenda item 7) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Democratic People's Republic of Korea (E/1988/5/Add.6) (continued)

1. At the invitation of the Chairman, Mr. Chae Ryang Il, Mr. Li Tae Jun and Mr. Pak Dok Hun (Democratic People's Republic of Korea) took places at the Committee table.

2. Mr. MUTERAHEJURU said that his draft concluding observations on the initial report submitted by the Democratic People's Republic of Korea concerning rights covered by articles 13 to 15 of the Covenant (E/1988/5/Add.6) would relate primarily to articles 13 and 14, since it had been agreed that article 15 would subsequently be the subject of a general comment.

3. He had concluded that the Committee should thank the Government of the Democratic People's Republic of Korea for its willingness to continue the dialogue through the regular submission of reports. It should note with satisfaction that the Government had made efforts to guarantee to citizens the enjoyment of the rights provided for in articles 13 to 15 of the Covenant. The Committee should point out, however, that the report had given precedence to legalistic and theoretical aspects and had not placed sufficient emphasis on tangible facts reflecting the actual situation prevailing in the country. It should note that the right to culture and education and the provision of free education had been guaranteed for citizens to a certain extent, despite difficulties due to the poverty of the country. Finally, the Committee should encourage the Government to continue its efforts to promote an education system that would stimulate private investment in that field and so enable citizens to exercise greater freedom in choosing educational institutions, in accordance with the provisions of article 13, paragraph 3, of the Covenant.

4. Mr. SIMMA recalled that he had not been satisfied with the outcome of the previous day's discussion about freedom of information and about the committee responsible for deciding on the publication of literary works and works of art. The statement that limitations of that kind existed in all countries warranted further debate, because although some screening of films and other works took place in various countries, in liberal, democratic countries, any such activities would always be subject to judicial review, and he had heard no reference to any such procedure in the Democratic People's Republic of Korea. He accordingly proposed that a sentence to the effect that the members of the Committee had not been satisfied with the delegation's statements about freedom of expression be added to the concluding observations.

5. The CHAIRMAN specified that the procedure for the preparation of concluding observations was, at the present stage, a cumulative one, so that Mr. Simma's comments would simply be added to any other observations made.

6. Mr. ALVAREZ VITA said that he shared Mr. Simma's views; he proposed that the additional sentence should begin "Some members of the Committee expressed concern ...".

7. Mrs. JIMENEZ BUTRAGEUÑO, endorsing the views expressed by the previous speakers, suggested that the subject of the sentence should be the Committee, since she believed the matter to be one of unanimous concern.

8. Mr. RATTRAY said that, although it was true that all members shared a sense of concern about the exercise of freedom in the publication of literary and artistic works, he would be reluctant to refer specifically to a judicial review, since that question had not been discussed in the Committee.

9. The CHAIRMAN suggested that Mr. Simma might wish to reformulate his observations.

10. Mr. KOUZNETSOV said that, although the question had given rise to a lively debate, he did not think there had been unanimity. He urged caution about any assessment of whether there was censorship in a country or not. There were different forms of censorship, including political censorship of the kind that had existed in his own country and what was known as economic censorship which he believed was prevalent in countries that were known to be democratic. He would therefore prefer a formulation to the effect that the view had been expressed that the existence of State bodies such as the committee that screened works of art and literature might amount to censorship.

11. In the Democratic People's Republic of Korea there appeared to be restrictions placed on works that did not conform to certain national traditions. There were countries in which such traditions, many of which went back a very long time, might include stricter or more restrained portrayals than those which were accepted elsewhere; no country could simply be expected to forgo them.

12. Mr. SIMMA proposed the following wording, which had been agreed upon in consultation with Mr. Rattray: "With regard to the right enshrined in article 15 of the Covenant, the Committee expressed concern that the machinery in place for the screening of works of art and literature for the purpose of publication could result in inadequate protection of freedom of expression".

13. Mrs. BONOAN-DANDAM suggested that the word "screening" should be replaced by "examination", since that had been the word used by the Korean delegation.

14. Mrs. JIMENEZ BUTRAGUEÑO said she agreed with the formulation, except that the word "procedimiento" would be preferable to "mecanismo" in the Spanish version.

15. Mr. NENEMAN suggested that for reasons of consistency, Mr. Simma and Mr. Muterahejuru might collate their proposals, since the latter's observations had been concerned almost entirely with education.

16. The CHAIRMAN said that he did not believe there was any discrepancy between the two sets of observations and, if the formulations were acceptable, suggested that it should be left to the Rapporteur to adjust the wording for continuity in the final report.

17. He said that the Committee had completed its concluding observations on the report of the Democratic People's Republic of Korea (E/1988/5/Add.6).

18. Mr. Chae Ryang Il, Mr. Li Tae Jun and Mr. Pak Dok Hun (Democratic People's Republic of Korea) withdrew.

ORGANIZATION OF WORK (continued)

19. The CHAIRMAN, referring to the discussion note on the problems of the elderly (E/C.12/1991/WP.1) prepared by Mrs. Jimenez Butragueño which had been debated by the Committee at the morning meeting, asked members if there were any further comments on his summing up of the discussion.

20. Mr. ALVAREZ VITA fully endorsed all the Chairman's observations, but requested him not to close the debate on the question in order to allow time to consider whether it was feasible for Mrs. Jimenez Butragueño to be entrusted with the role of rapporteur or a similar function as proposed that morning.

21. The CHAIRMAN said that that proposal was acceptable and that the Rapporteur would incorporate his summing up of the discussion into the draft report on the sixth session. When adopting the report, members would have an opportunity to put forward any further comments or amendments.

22. He suggested that the Committee, having considered several States parties' reports, might wish to take stock of some of the procedural issues that had arisen in the course of its work.

23. He commended the increasingly high quality of the lists of issues prepared by the pre-sessional working group. That being said, the Committee should continue to emphasize the importance of adequate collection of relevant information in advance of the working group's meetings. He had conveyed the Committee's appreciation of the assistance provided so far by the secretariat, but there were still some shortcomings in terms of the kind of information contained in the country files and indeed the lack of information in some cases, for instance on the Democratic People's Republic of Korea. Another point in that connection was that members were perhaps not making full use of the files.

24. That raised the vexed question of the urgent need for a resource room. The secretariat had regrettably been most unresponsive so far to repeated requests for such a facility by the meeting of chairpersons, the Committee on Economic, Social and Cultural Rights and other similar committees. He held the general direction of the Centre for Human Rights responsible for failing to adopt a coordinated approach and to give serious attention to the matter, which should now be taken up at the political level. There would no doubt

be an increasing flow of requests from various committees for the same information, and until a resource room was available to all of them, they would never have all the information they needed to conduct their work properly.

25. Regarding the process of questioning, he believed that the only way to elicit detailed and focused responses from the Governments concerned was to begin by asking very specific questions. A general question inevitably gave rise to a standard response whereas a specific one, requesting facts and figures which were generally available to the Government, led to a targeted and meaningful dialogue. Similarly, a precise question based on information in the Committee's possession would yield an explicit confirmation or denial, as the case might be. In any case the question and the Government's recorded answer would constitute a tangible contribution to the international debate.

26. Turning to the following stage in the Committee's consideration of reports, the actual dialogue with a State party, he observed that the Committee seemed to be having some difficulty in moving from the previous three-hour system in dealing with reports covering only three articles of the Convention to the present nine-hour system for comprehensive reports. The debate now covered a much wider range of issues and tended to be somewhat unfocused. Under the present system, the Committee might consider adopting the approach of the Human Rights Committee, for example, and dealing separately and systematically with each right or set of rights covered by the relevant articles. Where there was a direct linkage between two issues, that could of course be specified and reflected in the questions asked. Discussion of a particular issue could be completed by giving the floor to the government representatives at the appropriate juncture and thus breaking down their responses, before moving on to the next issue. More use could also be made of written observations, by encouraging Governments, if they so wished, to respond in writing to written questions. They could also be encouraged to reduce the length of their introductory statements.

27. Turning to the question of the concluding observations phase, he said that the Committee's experience had revealed some shortcomings in the procedure adopted. When it had first addressed the question of concluding observations some years previously, the political climate had been very different, and the assumption had been that it would never be possible to agree on a general formulation. Recently, however, the Committee had demonstrated that it was now possible to come up with generally acceptable concluding observations. There was thus a need for a more sophisticated approach to those observations. An ideal, if more time-consuming, procedure would be for the individual responsible for leading the concluding observations to draft a statement in writing, on the basis of extensive informal consultations, which would not be translated, but would instead be presented orally and interpreted. That statement would provide the foundation on the basis of which the Committee could work out a consensus.

28. One final issue, raised by Mr. Wimer Zambrano and endorsed by Mr. Badawi, was the question of confidentiality. Personally, he was opposed to confidentiality in normal circumstances, and believed that any confidential

negotiations necessary should take place informally. The concern expressed by some members that the presence of representatives during the concluding observations phase was a constraining influence could be addressed by indicating to the State party that it was not entitled to respond to the concluding observations, except in writing and subsequently; and by informing the delegation of the State party that, although welcome to attend the proceedings as an observer, it would not be invited to take a place at the Committee table.

29. Mrs. KLEIN (Representative of the Secretary-General) stressed that a resource room would also be for the use of other committees that had requested such a facility. She hoped that the problem of finding office space for the resource room, either within the Centre or in the Library, would be resolved in the course of the coming year.

30. The CHAIRMAN said that, in his view, to set up such a facility in the Library was an entirely unsatisfactory solution, which would do nothing to address the Centre's pressing needs for information. The Centre was in a ludicrous situation, lacking the central information resources without which it could not operate. The Library was not readily accessible from the Centre; nor could it be expected to collect the human-rights-specific information required. He hoped that the matter would be taken up at the highest political level, and seriously addressed, as had not been the case so far.

31. Mr. KONATE said that the fact that the Committee had incessantly to reiterate the same demands was indicative of a communication problem. A decision would have to be taken within the Economic and Social Council. The United Nations Institute for Disarmament Research had a large library at its disposal; surely a similar effort could be made vis-à-vis the Centre. The problem of the lack of financial and human resources would also have to be addressed at some point.

32. On the question of how to improve the quality of the dialogue between the Committee and States parties, he pointed out that the latter were frequently unfamiliar with the Committee's practices and procedures. Although they received the preliminary questions up to three months in advance, States parties still failed to prepare answers to them, or to send experts from their capitals to respond to questions. Consequently, the Committee had constantly to repeat the same questions, which was hardly conducive to efficiency. The letter sent to States parties containing a list of questions should also include an explanatory memorandum, setting out all the phases of the Committee's procedure, to enable the delegation to have a better idea of what to expect.

33. He agreed with the Chairman's assessment that the material that the Committee needed was not to be found in the reports submitted by States parties. Any statement by a Government was inevitably partisan, and tended to be clouded with generalities. The Committee needed access to other sources, to enable it to put more precisely targeted questions that would elicit less generalized replies. In the absence of such information, the Committee could not do its job properly.

34. It was well known that the reports of committees were not read in the Economic and Social Council, unless delegations to the Council drew attention to specific items contained in them. It was thus important to initiate a dialogue between the Committee and the Economic and Social Council; and it was essential that either the Chairman or the Rapporteur should go before the Council to plead the Committee's cause.

35. The CHAIRMAN agreed with Mr. Konate on the need for a detailed memorandum to be sent to delegations. He proposed to ask the secretariat to draft such a note.

36. Mrs. BONOAN-DANDAM concurred with the Chairman's views on the need for a concise synthesis by the first speaker in the concluding observations phase, and also on the question of confidential sessions. In her view, confidential proceedings were somehow incompatible with the ideals of human rights and fundamental freedoms. As a compromise solution, delegations could perhaps be invited to attend the proceedings, as a matter of courtesy, while being clearly informed that any reactions should be in written, not oral, form, thereby relieving the Committee of the burden of coming up with an immediate counter-response.

37. On the question of reporting by States parties, she pointed out that it was the prerogative of the State party to decide who should write, and who should present, the report. The fact that the individuals presenting the report had not necessarily drafted it accounted for delegations' frequent inability to respond to specific oral questions put by the Committee. To avoid that situation, the pre-sessional working group should be much more specific in its wording of the preliminary questions submitted to the State party in written form.

38. Mr. SIMMA said that what had troubled him in the case of the concluding observations on Panama had been, not a sense of being under any pressure, but the feeling that the proceedings somehow smacked of a trial, in which a verdict was delivered on an accused party. The procedure whereby the delegation of the Democratic People's Republic of Korea had attended the concluding observations phase as observers seemed to him much more natural. To introduce secret procedures now would, he felt, be a retrograde measure that failed to reflect recent developments in the world at large. As for the suggestion that the delegation should be invited to respond in writing, the question arose of how the Committee would find time to deal with those responses, if they had to be reflected in its final report.

39. With regard to the question of information files, individual members could of course prepare their own files. However, access to information, as well as pressures from other work, doubtless varied greatly from member to member. In his view, more emphasis should be placed on the role of the country rapporteurs who met each September to prepare the questionnaires sent to Governments. One way of helping them in their task would be to make their names available to the NGO community, since the Committee undoubtedly needed information from non-governmental organizations in addition to that which the secretariat could provide. He himself had research assistants who could

compile information gleaned from sources such as The Economist, Amnesty International and the United States Department of State, which could be submitted to the country rapporteurs. It would also be useful if the country rapporteurs made their country files available to the Committee as a whole. He cited the case of Syria, on which a huge volume of information had recently become available. Yet none of that information had found its way into the Centre's file, which comprised a paltry four pages of handwritten information. As for the question of the resource room, it would indeed be a sad reflection on conditions in the Centre for Human Rights, if the issue had to be taken up at the political level within the Economic and Social Council, as a last-ditch attempt to kick people into action.

40. He fully agreed with Mr. Konate on the need for an explanatory memorandum addressed to States parties. That memorandum should take the form of a clearly-worded "user's manual".

41. On the question of the dialogue with States parties, he agreed with the Chairman on the need to split up the debate on the comprehensive reports, perhaps on an article-by-article basis. States parties must also be urged to answer each question fully before proceeding to the next, rather than merely drifting to and fro between questions. At present much time was wasted simply in identifying what issues were currently under discussion.

42. Mrs. JIMENEZ BUTRAGUEÑO stressed the need for the replies to the questions formulated by the pre-sessional working group to be submitted in writing, even if States parties had to be given more time in which to do so. Otherwise, delegations would persist in straying from the point. They must also be urged to answer all the questions asked, and not simply a selection. When a State party was requested to submit a report, it was important that it should receive the guidelines for preparation of reports, together with the initial report and the relevant summary records. As for the question of whether or not delegations should be permitted to be present during the concluding observations phase, she suggested that a diplomatic solution might perhaps be to announce the date and time of the concluding observations phase, leaving it open to States parties to decide whether or not they wished to attend.

43. Mr. RATTRAY said, with regard to the concluding observations, that the main point was to have a consensus on the Committee's findings on the State party's report. If they were discussed in the presence of its representatives that opened the door to the possibility of them making a reply. They should not be presented with such an opportunity. As was the procedure with a bench of magistrates, the Committee should reach agreement in private on its concluding observations and invite representatives to be present when they were announced. In considering a country report, the pre-sessional working group generally found it necessary to ask for more specific information on certain points. That gave the country concerned extra work which it did not have time to complete if it received the request only in September for a November session of the Committee.

44. The pre-sessional working group should meet much earlier so that the request for information could be received by the State party at the beginning of August, together with a note about the Committee's expectations in the matter.

45. He agreed on the need to have a resource room but was somewhat uneasy about what use should be made of the information available and how the Committee could verify its authenticity, in face of conflicting information from the State concerned. It raised the question of due process.

46. Mr. MRATCHOV said that it was generally recognized that State party representatives did not prepare themselves very well before replying to the list of issues presented by the Committee. They tended to sidestep thorny issues either because they lacked specific information or were unwilling to provide it. The Committee's current procedure lacked the element of direct contact between representatives of the State party and members of the Committee. It consisted of questions by the pre-sessional working group followed by written and oral replies from the Government concerned - in effect two monologues. The only true debate occurred when members of the Committee were asked to speak after the replies by the State party and they should be given greater opportunity at that stage to comment on replies or repeat questions they had previously asked. Furthermore, the Committee should insist on delegations including experts who could reply satisfactorily on technical and legal issues which professional diplomats were not always competent to handle.

47. He supported the establishment of a resource room and he would also ask the secretariat to provide for information the records of the Economic and Social Council, covering the meetings during which the Committee's report was discussed.

48. The CHAIRMAN said that the composition of a State's delegation should be mentioned in the explanatory note, indicating that the Committee generally had difficulty in obtaining adequate information from the Permanent Representative in Geneva. With regard to the reports of the Economic and Social Council, there had been no discussion at the meeting at which the Council had been scheduled to review the Committee's work over the preceding five years. The Council did not concern itself with the functioning of the Committee unless financial implications were involved. It was therefore up to the Committee, like the other treaty bodies, to prepare a draft resolution for the Council if it wished to obtain a reaction.

49. Mrs. IDER said that she could not understand the purpose of delegations being present during the discussion by the Committee of its concluding observations on reports. She asked about the procedure in other human rights bodies. It would seem better to inform delegations subsequently of the observations, since it was difficult for members of the Committee to discuss them in their presence. She agreed on the need for a resource room. With regard to the use of other sources of information, she felt that Mr. Rattray's comments should be borne in mind, but the Committee should certainly make use

of information from the specialized agencies, which emanated from qualified experts. The agencies were not actively involved in the Committee's consideration of reports, but they could provide more assistance.

50. She agreed with Mr. Rattray's view that Governments needed more time to prepare their replies to the lists of issues. In her own country, at least two or three months was required, which meant that the list should be received six months in advance. It was easier to study the replies if they were presented in written form. She also supported Mr. Simma's suggestion that the Committee should proceed on an article-by-article basis in respect of the comprehensive reports or at least by subject, as for example, education. She pointed out that it was very difficult for countries to send experts from their capitals for the Committee's consideration of their reports; her own country reported to no less than six such human rights bodies. Finally, the Economic and Social Council was a body with an extensive agenda. The Committee must be prepared to promote its aims, by acquiring an appropriate lobby in the Council.

51. Mrs. KLEIN (Representative of the Secretary-General) responding to Mrs. Ider's request, said that human rights bodies had several different ways of handling their concluding observations on reports from States parties. The Human Rights Committee did not as yet prepare concluding observations as such. After consideration of the report, each member gave an individual evaluation. The Human Rights Committee was now about to change the procedure and had mandated a working group to consider methods of organizing concluding observations. The proceedings would take place in the presence of the representatives of the State party. The Committee on Torture also discussed its concluding observations in their presence. The country rapporteur, with the assistance of the alternate rapporteur, prepared draft concluding observations which were usually accepted. The Committee on the Elimination of Racial Discrimination used not to have concluding observations but at its session in August 1991, it had adopted, with some changes, draft concluding observations prepared by the country rapporteur in consultation with other members of the Committee. They had appeared in the relevant summary record. Some treaty bodies adopted concluding observations in the presence of representatives of the State party and others did not.

52. Mr. SIMMA, speaking on the question of confidentiality, said it was important to learn that all the treaty bodies arrived at their concluding observations in public meetings at which the delegations were not invited, although they could attend if they so wished. The example given by Mr. Rattray had been taken from judicial proceedings and the Committee was not engaged in judicial proceedings but in a constructive dialogue. The Commission only acquired an element of judicial activity in such cases as a clear-cut violation of human rights which involved enforced evictions.

53. Turning to the problem of the reliability of the information placed before the Committee, he felt that everything would depend on how the concluding observations were drafted. To take the example of Panama, even if the Committee was not in a position to verify the accuracy of certain information, it could state in its observations that the Government had made

certain claims but that there were other sources which pointed to a greater number of evicted persons. Lastly, the Committee could express its concern at the disparity of the figures.

54. On the question of the speaking time allowed to delegations, it was perhaps desirable to permit short questions to be put for the purpose of ascertaining a fact or figure instead of having to wait until the end of the speaker's statement to clarify the matter.

55. He urged that the pre-sessional working group's meeting should be moved forward. The present mid-September date was much too late to permit Governments to reply to the list of issues.

56. He fully agreed with the idea that the government reply to the working group's observations should, if possible, be made in writing. Perhaps the Committee could follow the example of the Committee against Torture by requesting the country rapporteur to ensure that the government's written reply was exhaustive.

57. Mrs. JIMENEZ BUTRAGUEÑO said that she agreed entirely with the previous speaker. She supported the idea of permitting members to interject questions. She could recall at least one instance when she had an important question to ask and had been unable to put it to the speaker after his statement. She urged more flexibility with regard both to interruptions and to the comments of members following a delegation's statement.

58. On the question of sources, she stressed the need for the Committee to have available at all times a set of ILO Conventions, as well as the latest reports of all the United Nations bodies concerned with human rights, such as the Commission on the Status of Women. That material should also be available to the pre-sessional working group.

59. She agreed that the specialized agencies should be represented at the Committee's sessions. Those agencies could supply very valuable technical information on many subjects.

60. Turning to the Committee's procedure, she felt that too much time was devoted to statements by delegations. Suitable limits should be set as had been done in previous sessions. As far as the members of the Committee were concerned, there was something to be said in favour of them agreeing among themselves to share the questions on the basis of topics and regions in such a way as to avoid two or more members asking the same questions.

61. Mr. FOFANA noted that there was general agreement on the need for a documents room for the Committee. That said, he wished to raise three points, the first of which related to the representatives of countries. The Committee should urge that they should be specialists and not simply members of permanent missions who were not familiar with the problems raised by the application of the Covenant. Only in that way could the Committee have a meaningful debate with each State party concerned.

62. The second point related to the confidential character of the concluding observations. A distinction had to be drawn in that respect between the deliberations which led to those concluding observations, deliberations which of course should be secret, and the pronouncement of the observations, which should be made in public. The State concerned should be given an opportunity to hear those observations and reply to them; the reply, however, should be made in writing. That procedure would make it possible for the dialogue to go forward constructively.

63. There was some analogy with the situation in judicial proceedings when a court decided to hold a trial in camera. The proceedings and deliberations of the court would then be held in secret, but the court's decision would be pronounced in public, so as to give the parties concerned an opportunity to appeal, if appeal was of course available.

64. His third point concerned the problem of the lapse of time between the preparation of the list of issues by the pre-sessional working group and the Committee's session. In the case of Syria, he had been somewhat surprised at the statement by its representative that the delay in replying had been due to the fact that the list of issues had not been received. He was himself a member of the pre-sessional working group and was aware that the list of issues had been ready in September. The question of the mode of transmission of the Working Group's report would therefore have to be examined. In any case, the Committee should urge that a written reply should be given to written questions.

65. Mr. NENEMAN said he was not altogether satisfied with the manner in which the Committee's concluding observations were prepared. It had been agreed that one member should prepare a draft but it was essential to remember that that member was simply the leader of the discussion; he should therefore not be the only person to speak on the matter. Other members should be given the floor as well.

66. The pre-sessional working group should meet not later than August. The matter should of course be coordinated with the secretariat, because of the difficulties involved in holding meetings during the "summer holiday" season.

67. He hesitated to demand that government replies should always be made in writing. He did not favour relying too much on the exchange of written statements; an abuse of that system could lead to the suggestion that the members should stay at home and do all their work by post. The Committee needed a lively exchange of views. Moreover, the Committee should discourage States from having a written text prepared in the capital and then read by a member of its permanent mission.

68. Written replies by Governments should, moreover, be circulated before the beginning of the session so that members could come better prepared to the session. On the whole, he felt that the Committee should not be too demanding because Governments would then fail to respond adequately.

69. With regard to speaking time, he felt that it was not necessary for all 18 members of the Committee to speak on each government report.

70. Lastly, he agreed with Mrs. Ider that not much could be expected from the Economic and Social Council. He himself had been a representative of his country at many sessions of the Council, which had always a very long agenda and had to examine voluminous documentation on a great variety of subjects.

71. Mrs. PINET (World Health Organization) pointed out that the concluding observations of the Committee were not targeted at the Economic and Social Council, they were targeted at the countries themselves. It was therefore quite in order for States to be represented at the Committee in order to hear what it thought of their record. The Committee would thus be able to make recommendations and constructive suggestions, the character of which would of course depend on the quality and quantity of information placed before the Committee. The country concerned should leave the Committee not only with a judgement on the past but with guidance for the future. That approach, which was suggested to her by WHO experience in technical matters, could be helpful to the Committee if it was possible within its mandate.

72. The CHAIRMAN said that the Committee was not precluded from adopting that approach.

73. Mrs. JIMENEZ BUTRAGUEÑO welcomed the statement by the WHO representative; it was highly desirable to emphasize positive aspects with a view to a more constructive dialogue.

74. Mr. KOUZNETSOV pointed out that the question of closed meetings was governed by rule 28 of the provisional rules of procedure which was perfectly clear. There was therefore no need to discuss the problem at any length. Closed meetings could only be held if a formal decision was taken by the Committee to that effect. He strongly supported the Chairman's view that the meetings of the Committee should be held in public.

75. The CHAIRMAN noted that there was general agreement that there should be more informal consultations to enable members to have a frank exchange of views without the presence of the State party concerned. If the Committee were to proceed in that manner it would satisfy those members who wanted greater confidentiality, without any need for holding closed meetings. The remarks made on the subject of the discussion leader were appropriate where a consensus was reached. If there was no consensus, then further discussion would be necessary on the concluding observations in order to arrive at a formulation which would give the State party an idea of the outcome of the discussion.

76. If there was no objection, he would take it that the Committee agreed that the date of the session of the pre-sessional working group should be moved forward to June or July, that the secretariat should be requested to prepare, before the end of the session, a draft note for transmittal to each State party prior to its appearance before the Committee, that an effort should be made to instil greater discipline into the Committee's proceedings and that the Committee should consider reports on an article-by-article basis.

77. It was so agreed.

78. The CHAIRMAN suggested that the concluding observations should be drafted by one member who would hold extensive consultations with other members. At the appropriate time, the Committee would adopt the concluding observations, which would be forwarded to the State party as soon as possible. The delegation of the State party would be allowed to attend all meetings, but the adoption of the concluding observations would not be part of the dialogue with the State party. If there was no objection, he would take it that the Committee wished to adopt that procedure on a trial basis.

79. It was so decided.

The meeting rose at 6 p.m.